

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

**Marla Dena Lee
Debtor,**

§
§
§
§

**Case No. 16-42312
Chapter 13**

**RESPONSE (OPPOSITION) OF BSI FINANCIAL SERVICES AS MORTGAGE
SERVICER FOR U.S. BANK TRUST N.A. TO TRUSTEE'S NOTICE OF AMOUNT
DEEMED NECESSARY
TO CURE MORTGAGE ARREARS [Doc. #119]**

COMES NOW, BSI Financial Services ("BSI") as Mortgage Servicer for U.S. Bank Trust National Association, as Trustee of the Bungalow Series F Trust ("Creditor"), who, for its Response to the Trustee's Notice of Amount Deemed Necessary to Cure Mortgage Arrears-Mid Case] [Doc. #119], would show the Court as follows:

1. Creditor **agrees** with the Trustee's Notice as to Pre Petition Arrearage, Court Claim #4, Trustee Claim #1 and that the principal amount necessary to cure the pre-petition mortgage arrearage claim to be paid by the Trustee is \$0.00 as of the Date of the Trustee's Notice, having paid \$1,000.00 on said claim as of the date of Trustee's Notice.
2. Creditor **does not agree** with the Trustee's Notice as to Post-Petition Arrearage, Court Claim #4, Trustee Claim #20 and that the principal amount necessary to cure the post-petition mortgage arrearage claim to be paid by Debtor directly is \$55,560.39 as of the Date of the Trustee's Notice, having paid \$0.00 on said claim as of the date of Trustee's Notice. On May 25, 2018, Creditor had filed an response to a previous Trustees Notice of Amount Deemed Necessary to Cure (Docket #71) and stated that

Debtor was behind on their post petition payments in the total amount of \$44,065.93. On November 20, 2018 Creditor subsequently filed a Motion for Relief from Automatic Stay and claimed that as of November 1, 2018 Debtor was then due for \$55,560.39. Debtor then entered into a Trial Modification Plan pending a final loan modification to be approved by the Court with Creditor to resolve the post-petition arrears. On July 7, 2019 Creditor sent notice to Debtor that the final loan modification had been denied due to a failure to provide an executed modification agreement. Debtor also failed to file a Motion with the Court to approve the final modification.

2. As to Court Claim #4, Trustee Claim #2, Creditor states that the Debtor **is not** current on all post petition payments consistent with 11 U.S.C. § 1322(b)(5) of the Bankruptcy code, including all fees, charges, expenses, escrow, and costs. In addition to the post petition arrears, Debtor's next payment to Creditor is due for June 1, 2019, as of the date this response is filed. Attached hereto as Exhibit "A" is a current post-petition pay history.

Respectfully submitted,

/S/RICHARD E. ANDERSON

Richard E. Anderson
State Bar No. 01209010
Anderson Vela, LLP
4920 Westport Drive
The Colony, Texas 75056
(214) 276-1545, Ext. 207 - Phone
(214) 276-1546 - Fax
RAnderson@Andersonvela.com
Attorney for Creditor

CERTIFICATE OF SERVICE

I hereby certify that a copy of the RESPONSE OF CREDITOR IN RESPONSE TO TRUSTEE'S NOTICE OF AMOUNT DEEMED NECESSARY TO CURE MORTGAGE ARREARS was served on the 12th day of March, 2020. Said Response was filed electronically. Service was accomplished by the method and to the following as indicated.

/S/RICHARD E. ANDERSON
Richard E. Anderson

BY ELECTRONIC NOTICE OR REGULAR FIRST CLASS MAIL, POSTAGE PREPAID:

DEBTOR

Marla Dena Lee
1941 Forest Park Blvd
Fort Worth, Texas 76110

DEBTOR'S ATTORNEY

Wally Woodrow Wadsworth
Wadsworth Law Firm
606 W. Wheatland Rd.
Suite 107
Duncanville, Texas 75116

TRUSTEE

Tim Truman
6851 N.E. Loop 820, Suite 300
N. Richland Hills, TX 76180

U.S. TRUSTEE

U.S. Trustee
1100 Commerce Street
Room 976
Dallas, Texas 75242

CREDITOR ATTORNEY

Kristen Leigh Baker
Hughes Watters & Askanase, LLP
333 Clay Drive, 29th Floor
Houston, TX 77002
(713) 328-2881
(713) 351-0381 (fax)
kb@hwa.com
Assigned: 08/17/2016

representing Select Portfolio Servicing, Inc
(Creditor)

Melissa Linell Palo
Linebarger Goggan Blair & Sampson, LLP
2777 N. Stemmons Frwy Ste 1000
Dallas, TX 75207
(214) 880-0089
(469) 221-5003 (fax)
melissa.palo@lgbs.com
Assigned: 06/21/2016

representing Tarrant County
Linebarger Goggan Blair &
Sampson, LLP
c/o Melissa L. Palo
2777 N. Stemmons Frwy
Suite 1000
Dallas, TX 75207
214-880-0089
469-221-5003 (fax)
dallas.bankruptcy@lgbs.com
(Creditor)

Yoshie Valadez
McCarthy & Holthus, LLP
1255 West 15th Street, Suite 1060
Plano, TX 75075
(214) 291-3800
(214) 291-3801 (fax)
mhtbkanhssselfilings@mccarthyholthus.com
Assigned: 08/15/2016

representing Seterus Inc.
PO BOX 1047
Hartford, CT 06143
(Creditor)

Michael L. Weems
Hughes Watters & Askanase
333 Clay, 29th Floor
Houston, TX 77002
713 328-2822
713 759-6834 (fax)
mlw@hwa.com
Assigned: 11/21/2016

representing Select Portfolio Servicing, Inc
(Creditor)

By: /s/ Richard Anderson
RICHARD E. ANDERSON

**EXHIBIT
A**

Loan Information	
Loan #	
Borrower	Lee
BK Case #	16-42312
Date Filed	6/11/2016
First Post Petition Due Date	7/1/2016
POC Covers	3/1/15-6/1/16

POC filed by DA

[illegible]